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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:	Christoph E. Scheurich, Sriram Visvanathan and Oleg B. Rashkovskiy	§	Group Art Unit:	2613
Serial No.:	09/083,601	§	Examiner:	Shawn S. An
Filed:	May 22, 1998	§	Docket No.	ITL.0045US (P5755)
Title:	Maintaining a Frame Rate in a Digital Imaging System	§		

Commissioner for Patents
Washington, DC 20231

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Technology Center 2600

Dear Sir:

In an Office Action mailed on May 21, 2002, claims 19-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thro. These rejections are discussed in the corresponding sections below.

Rejections of Claims 25-29:

The method of claim 25 includes receiving a request for a first pixel resolution and determining whether it is possible to communicate first data indicative of an image having the first pixel resolution at a requested frame rate over a communication link. The method also includes if not possible, decreasing the first pixel resolution to a lower second pixel resolution and communicating second data indicative of the image having the second pixel resolution over the communication link at the requested frame rate.

The Examiner rejects claims 25 in view of Thro. As previously discussed, Thro teaches selecting a priority between either a frame rate or a resolution per frame for the communication of frames between a mobile device and a base site. Thro, 5:4-19. Thro also discusses using a frame rate that the communication resource (over which the frames are transmitted) will support. Thro, 5:50-67.

Date of Deposit: 6-19-02
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.
Debra Cutrona
Debra Cutrona

Rejections of Claims 30-34:

The article of claim 30 includes a computer readable storage medium that includes instructions to cause a processor to receive a request for a first pixel resolution and determine whether it is possible to communicate first data indicative of an image that has the first pixel resolution at a requested frame rate over a communication link. The instructions also cause the processor to if not possible, decrease the first pixel resolution to a lower second pixel resolution and communicate second data that is indicative of the image that has the second pixel resolution over the communication link at the requested frame rate.

See discussion of claim 25 above. In particular, Thro neither teaches nor suggests decreasing a first pixel resolution of an image to a lower second pixel resolution for purposes of communicating data over a communication link at a requested frame rate. Thus, Thro neither teaches nor suggests the limitations of claim 30, as the Examiner has failed to establish a *prima facie* case of obviousness for at least the reasons set forth above. Furthermore, Thro suggests at least one alternative to decreasing a pixel resolution, i.e., truncating the video signal itself, and thus, does not inherently teach the missing claim limitations.

Thus, withdrawal of the §103 rejections of claims 30-34 is requested.

Rejections of Claims 35-38:

The computer system of claim 35 includes a computer that receives a request for a first pixel resolution and determines whether it is possible to communicate first data that is indicative of an image having the first pixel resolution at a requested frame rate over a communication link. If it is not possible, the computer decreases the first pixel resolution to a lower second pixel resolution and communicates second data that is indicative of the image having the second pixel resolution over the communication link at the requested frame rate.

As discussed above, Thro neither teaches (explicitly, implicitly or inherently) nor suggests these claim limitations, as the Examiner fails to set forth a *prima facie* case of obviousness. Thus, withdrawal of the §103 rejections of claims 35-38 is requested.

Rejections of Claims 19-24:

The method of claim 24 includes determining whether it is possible to transmit data that is associated with a requested image parameter at a requested frame rate. If it is not possible, then the image parameter is adjusted and the data is transmitted.

Thro neither teaches nor suggests adjusting an image parameter if it is not possible to transmit data that is associated with the image parameter at a requested frame rate. In this manner, Thro teaches truncating a video signal. However, "truncating a video signal" neither teaches nor suggests adjusting an image parameter. Thus, Thro neither teaches nor suggests the limitations of claim 19, as the Examiner has failed to establish a *prima facie* case of obviousness for rejecting claim 19. Furthermore, the missing claim limitations are not inherently present in Thro, as Thro teaches truncating a video signal as an alternative to adjusting an image parameter.

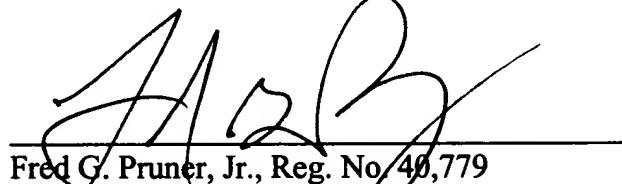
Claims 20-24 are patentable for at least the reason that these claims depend from an allowable claim. Thus, withdrawal of §103 rejections of claims 19-24 is requested.

CONCLUSION

In view of the foregoing, withdrawal of the §103(a) rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0045US).

Respectfully submitted,

Date: 6/19/02



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